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Flexible Working

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1 Overview

1.1 What is this about?

1.1.1 Every year Police Scotland and the Scottish Police Authority help officers and staff work more flexibly. We see the benefits of doing this and the information here tells you how we can work together to find practical solutions to work/life balance.

1.2 Who is this for?

1.2.1 This is for all officers and authority/police staff.

1.3 Key Information

- We believe that anyone should be able to ask for flexible working and we are prepared to go beyond what the law requires to allow this to happen.
- We collect information to see how we are doing with flexible working requests and decisions. This includes dip sampling requests and contacting users to make sure our process is working well.
- We think about all requests fairly and we will only refuse them if there is a real business reason for doing so. Each request is looked at on a case by case basis.
- If we are not sure whether a flexible working arrangement is practical, a trial period can be agreed.
- Agreeing one request does not mean that another person will be given the same change. Not all flexible working options are suitable for all roles and our business context changes all the time.
- Where we get more than one request to work flexibly from different people in the same place, we will look at each request in the order it is received. We will make no judgements about which is most deserving and each one will be looked at against the circumstances that exists at the time.

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- When an officer changes post, the number of hours they work will stay the same but their working pattern may need to change. This will be reviewed with the officer to make sure it meets everyone's needs.
- All requests from federated ranks to work flexibly, must comply with the [Workforce Agreement](#).
- Health and Safety have an active part to play in this process and can provide advice on lone working, DSE, equipment and security.

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2 Officer/Staff

2.1 What you need to do:

- Make sure you have not submitted another request in the last 12 months unless you are an officer or have a good reason.
- Submit your request in good time, telling us what you need and when you want to start working flexibly.
- Think of different solutions in case your request can not be supported or can only be partly met.
- Know that you can appeal the decision if you feel it has been unfairly reached.

2.2 Making a request

- 2.2.1 Generally, you have the right to make one request for flexible working in any 12 month period. You do this by filling in Form (060-002A) at least 12 weeks before you want to start working flexibly. The more notice you give us, will improve our chances of looking at your request and making any changes in time.
- 2.2.2 Authority/Police Staff must be aware that any changes to their working hours, pay or allowance is a permanent change to their pay, terms and conditions.
- 2.2.3 Salary, benefits and allowances will be changed to match the new working pattern for all requests resulting in either a reduction or an increase where business benefits are established. Remember, Police Staff have no right to return to previous terms or conditions.
- 2.2.4 Changes to salary, benefits or allowances may not show in your pay straight away. There can be a delay depending on your start date and the amount of notice we can give to payroll. Any corrections will be applied to your next pay.
- 2.2.5 You can make more than one request to work flexibly in any 12 month period if:
- you are making a request as a reasonable adjustment for a disability
 - you are an officer who has been posted to a new role where your current plan is unsuitable

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- you are a member of staff who has changed jobs because of an application or appointment; or
- there are exceptional circumstances that you need assistance with

(Officers)

2.2.6 Officers have a right to return to full-time duties as per Police Regulations by giving 28 days' notice.

2.3 Short term flexible working requests

2.3.1 If you are looking to change your working pattern for a short period to cope with a change in domestic circumstances, or undertake caring responsibilities, treatment or training. We may allow you to go back to your original terms and conditions. You must speak to your manager to see if this is practical and is the best way for us to support you.

2.4 Handling requests to work flexibly

2.4.1 When we get your request to work flexibly, your line manager might ask to meet with you so that they can talk about it in more detail. You should be ready to talk about and consider different options that address any business concerns. If you are able to adjust your request or make compromises, your request is more likely to be approved.

2.4.2 If your line manager is not sure whether the request is practical, a short trial period of up to 12 weeks may be agreed.

(Officers)

2.4.3 Officers are expected to undertake on-call, overtime, court and have rest days cancelled or shifts changed in the normal way unless the approved flexible working plan says this is not required.

2.4.4 Flexible working plans are reviewed on an annual basis in line with Police Regulations. Other reviews can take place where there have been or are likely to be major changes in the normal daily period of duty or in the circumstances of the individual.

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2.5 Withdrawing a request

- 2.5.1 You can withdraw a request to work flexibly simply by writing to your manager and telling them that you want to do this. You should be aware that you may not be able to make another request for 12 months if you do this. There are no restrictions in respect of further applications being lodged at a future date, subject to the 12 month rule.

2.6 Appeals

- 2.6.1 If we turn down your request to work flexibly, you can appeal in writing to People Direct within seven days of getting our written decision. You have to give the reasons for your appeal and provide any new information that should be considered.
- 2.6.2 You will be invited to a meeting, normally within 14 days of the date we get your appeal. This will be held by a Head of Department or Area Commander not involved in the original decision.
- 2.6.3 You will get a decision, in writing, within seven days of the appeal meeting.

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3 Manager

3.1 What you need to do:

- Consider all requests fairly and objectively, balancing the needs of the team member and the business
- Make sure requests are dealt with quickly and that team members are kept informed
- Consider other solutions and promote cooperation and compromise so that individual and business needs are met
- Complete the paperwork at each stage of the process and fully evidence any decision or recommendation
- Review plans as necessary

3.2 Receiving a request to work flexibly

3.2.1 When you get a request to work flexibly, you should tell your team member that you have got it. Review its contents and decide whether you need to discuss it with them further.

3.2.2 You will not always need to have a discussion, but it can help make sure the team member understands how their request will affect their pay, terms and conditions. It also gives you the chance to check that there isn't an underlying issue that could be better supported in a different way.

3.2.3 If you feel you do need a meeting, you should agree a suitable time and place with them. You should allow them to explain what changes they want, give their reasons, and tell you how they think the request could be met. This is also your opportunity to talk about any issues there may be, and to explore other options, compromises or adjustments.

3.3 Handling requests to work flexibly

3.3.1 You must consider the request carefully looking at the benefits for your team member and the business. You need to weigh these against any harmful business impacts, and decide whether to support the request.

3.3.2 To reduce risk you need to work with other departments that have an interest in the request. For example this could include, Health and Safety, Information Management, Resource Deployment or Finance. You must do this quickly and make sure there is no delay considering the request. The law requires that we must give a decision within three months of the date

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we receive the request and this includes any appeal.

3.3.3 You are under no legal duty to grant a request to work flexibly but there are direct and indirect business benefits for us when you can. If the request is to support a disability or any of the protected characteristics under the Equality Act then you should seek advice from People and Development or an Equality Advisor because your obligations do change.

3.3.4 A request to work flexibly can be refused where there is a genuine business reason due to:

- the burden of the extra costs being unacceptable
- an inability to reorganise work amongst existing staff
- an inability to recruit extra staff
- a detrimental impact on quality (e.g. quality of service)
- a detrimental impact on performance
- a detrimental effect on our ability to meet customer demand
- insufficient work for the periods the team member wants to work
- planned structural changes

3.3.5 After thinking about the advantages, costs and effects of granting the request you must tell your team member your decision. This should be to either:

- accept the request and verify a start date and any other actions; or
- confirm a compromise agreed when you spoke to them, such as a temporary agreement to work flexibly; or
- reject the request, telling them the business reasons, how these apply to the request and the appeal process

3.3.6 You must seek the advice of an HR Advisor before telling a team member that you are rejecting their request by contacting People Direct.

3.4 Withdrawing a request

3.4.1 A team member can withdraw a request to work flexibly simply by writing to you and telling you that they want to do this. You should ask them why they have done this if they do not give a reason and submit their communication to People Direct for recording. You need to advise them that they may not be able to make another request for flexible working for 12 months unless they have exceptional reasons to do so.

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3.5 Reviewing flexible working

3.5.1 You will need to review flexible working arrangements:

- where a trial period has been applied
- where an officer's flexible working pattern is due for annual review in line with Police Regulations
- where an officer is moving post or is asking for a review based on a change of circumstances; or
- where a team member needs changes to a reasonable adjustment

3.5.2 You should meet with the team member to look at the arrangements before updating Form (060-004) and sending it to the Area Commander/HOD for sign off. Depending on the level of change, you should complete Form (060-006) so that any changes are clear to the Resource Deployment Unit.

3.6 Appeals

3.6.1 Appeals can be raised if:

- there are details that were not available when the original decision was made; or
- the team member thinks their request was not handled fairly or reasonably in line with this process

3.6.2 Appeals must be submitted within 7 days and an appeal meeting should be held within 14 days of the date the appeal is submitted.

3.6.3 Appeals must be completed within three months of the original request date unless an extension has been agreed with the team member.

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4 Resources

Forms

- Flexible Working Application Form (060-002)
- Flexible Working Review Form (060-004)
- Flexible Working Shift Pattern Template (060-006)

How to Guides

- How to Conduct a Flexible Working Request Appeal

Letters

- Flexible Working Request Approved (FWA1)
- Flexible Working Trial Period (FWA3)
- Flexible Working Request Meeting/Declined (FWA4)
- Flexible Working Appeal Approved (FWA5)
- Flexible Working Appeal Rejected (FWA6)
- Flexible Working Review Approved (FWR1)
- Flexible Working Review no Longer Suitable (FWR2)
- Flexible Working Review Suitable with Amendments (FWR3)
- Flexible Working Extension to Timescales

Reference Documents

- The Different Types of Flexible Working
- The Right To Be Accompanied
- Working Time Regulations – Workforce Agreement, Federated Ranks

Related Procedures

- Annual Leave and Public Holidays (Officer)
- Annual Leave and Public Holidays (Staff)
- Career Break
- Disability in Employment
- Special Leave

Useful Links

- www.legislation.gov.uk
- Employment Rights Act 1996, especially sections 80F to 80I
- Employment Act 2002, especially Section 47
- Children and Families Act 2014
- Employment Act 2002 (Commencement No.3 and Transitional and Saving Provisions) Order 2002 (SI 2002/2866)

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- The Flexible Working Regulations 2014 (SI 2014/1398)
- The Apprenticeships, Skills, Children and Learning Act 2009
- Working Forward Video – Listen to members from Ford UK and John Lewis Partnership offer their advice on how they approach Flexible Working.
- The Police Service of Scotland Regulations 2013, Annex 5, Regulation 14, Hours of Duty

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Appendix A

The Right to be Accompanied

You have the right to bring someone with you to any formal meetings e.g. disciplinary, grievance, capability etc. This could be a work colleague or a representative of: a Trade Union, Staff Association, Scottish Police Federation or Association of Scottish Police Superintendents. You have to make your own arrangements if you want to bring someone with you.

You have to tell us the name of the person at least 24 hours before the meeting.

The work colleague or representative is entitled to take a reasonable amount of paid time off to attend the meeting. They should also be allowed time off to get to know the case and discuss any related matters before and after the meeting.

The work colleague or representative can address the meeting to: sum up the case; respond to any views discussed at the meeting; confer with you during the meeting or ask for a break. They cannot answer questions on your behalf.

Sometimes, you might be able to bring a work colleague or representative to an informal meeting. You have to be careful when asking or agreeing to this though, as it could make the meeting seem more formal than it has to be. You would have to talk this over with your manager before any arrangements are made.

At times, you might be able to bring a non-work colleague. This could be if you need additional support because of a disability or you might need an interpreter if there are difficulties with understanding or language. You would have to talk this over with your manager before any arrangements are made.

If the work colleague or representative is unable to attend, the meeting can be rearranged. This will normally be within five working days of the original date.

If they are unable to attend the re-arranged meeting you might have to ask someone else.

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Appendix B

The Different Types of Flexible Working

There are many different forms of flexible working. Flexible working can cover the way our working hours are organised during the day, week or year. It can also describe the place of work- such as homeworking – or the kind of contract - such as a part time contract.

Part Time Working

This covers any setup where you are contracted to work anything less than full time hours.

Compressed Hours

This is where you work your usual hours in fewer and/or longer blocks during the week. Through starting early and/or finishing late, you can build up additional hours which are taken as alternative time away from work.

Fixed Shifts

Fixed shifts are where you work either:

- A fixed pattern of days/shifts every week; or
- A set shift rather than working a rotating or alternating pattern

Annualised Hours

An annualised hours system is where the total number of hours to be worked over the year is fixed but there is flexibility over your daily and weekly working patterns. Typically, the times you are contracted to work are split into:

- **set shifts** which cover the majority of the year
- **unallocated shifts** which you can be asked to work at short notice

Term Time Working

Term-time working gives you the opportunity to reduce your hours or take time off, usually unpaid, during any school holidays. Salary can be paid either in 12 equal monthly instalments or for time worked and when annual leave is actually taken.

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Home Working

Homeworking can be when you regularly carry out all, or part of, your duties from home rather than a Police Office. Or it could be the occasional agreed day.

Although advances in technology make it far simpler to keep in touch and work away from our premises. It does require a working relationship that is based upon trust and the effective management of your own work.

Due to the sensitivity of the type of work we do, there are only a few posts that will be suitable for a home working arrangement. Advice must always be sought from the Information Security Officer and you should be prepared for assessments of your home and facilities to determine if security restrictions or working arrangements need to be put in place.

Change of Location

This is where you work at a different location from the one your terms and conditions state either on a part time or full time basis.

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Appendix C

How to Conduct a Flexible Working Request Appeal

Introduction

- You should open the meeting by thanking those present for attending and confirming their right to be accompanied
- If accompanied you should confirm the role of the work colleague or representative i.e. they can address the meeting to: sum up the case; respond to any views discussed at the meeting; confer with the team member during the meeting or ask for a short break. They cannot answer questions on behalf of the team member.

Format of the meeting

- Provide an overview of the structure for the meeting and any provisions there are for consideration, intermissions and providing a response.
- In respect of structure, as there are no specific grounds of appeal under the Flexible Working Procedures it is recommended that you consider any appeal in its broadest terms but with particular reference to:
 - Each parties compliance with the procedures
 - The evidence in respect of each party's contribution to finding a mutually agreeable solution.
 - The reasonableness upon which the rejection was reached
 - Any further information that could not have reasonably been known at the time of the decision
- Ask specific questions with reference to the appeal text to extract the relevant information you need to make a decision. You should let them know that if at any point during the proceedings either party wishes to have an adjournment then they should say so and identify any provisions made for breakout rooms.

Ending the meeting and confirming your decision

- At conclusion of meeting state that you have three options available to you:
 - Uphold the appeal and allow the flexible working proposal to progress

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- Support a trial period of the proposal but state that if approved this would not guarantee a permanent solution. State that the pattern may be removed at the end of the trial or substantiated but if an Officer, reviewed annually with no guarantee of retention.
- Reject the appeal. State that even if it is your decision to do this that there are no restrictions in respect of further applications being lodged at a future date, subject to the 12 month rule.
- Give an indication of when you will have made your decision (must be within seven days) and the process by which they will be informed.

Remember Flexible Working Requests must be completed in their entirety within three months from the date of submission. This includes any appeal unless an extension has been agreed.

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Appendix D

Frequently Asked Questions - Flexible Working

Do I have the right to work flexibly?

No, you do not have a right to work flexibly. You have a right to formally request more flexible working arrangements – We have a duty to consider the request in a reasonable way and we successfully help our officers and staff to work more flexibly every year.

Is there qualifying criteria before I can request to work flexibly?

Yes, there are qualifying criteria under the law but because we recognise the benefits of flexible working both for you and us, we go further than the minimum standards and allow all officers and staff to make requests.

What sort of flexibility can I apply for?

We like to think there are no limits to what we are able to consider but typically we see requests for:

- Part time working
- Compressed hours
- Fixed shifts
- Annualised hours
- Term time working; and
- Homeworking

Can I undertake flexible working in a promoted post?

Yes, there are no restrictions on application to do with the role you undertake or the level you may be working at. Each application for flexible working will be considered at on a case by case basis.

Is there a formal procedure to follow when making and responding to requests for flexible working arrangements?

Yes, in order that we can consider your request properly, you are asked to tell us your needs on form 060-002A which is available on the Intranet or by contacting

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People Direct. You have the right to make one request for flexible working in any 12 month period and you should give us at least 12 weeks before you want to start working flexibly.

How long will I have to wait to get an answer?

Flexible working requests, including any appeal should be dealt with within 12 weeks of submission. If an extension to this timescale is required you will be asked and given an explanation.

Can my request for flexible working be refused?

Yes, we will attempt wherever possible to meet requests but we will always put operational needs first. Our priority is to keep people safe and we will consider each request on its own merits. Because someone else has a flexible working plan in place doesn't mean another request will be accepted. Requests are dealt with on a first come, first served basis which can change the business context from one to another. Flexibility and compromise are key to a successful agreement.

Can I take anyone into a flexible working meeting?

You can bring someone with you to any formal meeting. This has to be someone that works for the organisation or who is a recognised trade union official. Acceptable companions are set out in s10 (13) of the Employee Relations Act 1999.

If my request has been refused, can I make a request at a future date?

Yes, generally speaking we only accept one flexible working request in any 12 month period but you can make a further request if:

- you are making a request as a reasonable adjustment for a disability
- you are an officer who has been posted to a new role where your current arrangements are unsuitable
- you are an member of staff who has changed jobs because of an application or appointment; or
- there are exceptional circumstances that you need assistance with

What factors can a flexible working request be refused on?

A request to work flexibly can be refused where there is a genuine business reason due to:

- the burden of the extra costs being unacceptable
- an inability to reorganise work amongst existing staff
- inability to recruit extra staff
- a detrimental impact on quality (e.g. quality of service)
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand

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- insufficient work for the periods the individual proposes to work; and
- planned structural changes

What affect will working flexibly have on my salary?

Sadly we cannot tell you how a flexible working arrangement might affect your salary. You can work out a rough annual salary based on the hours you might be thinking of asking for. The calculation is as follows:

Officers:-

Annual Salary (which can be found on your wage-slip)/40hrs = 'Y'

'Y' multiplied 'Z' (proposed new hours) = new annual salary

Police Staff:-

Annual Salary (which can be found on your wage-slip)/35 or 36 or 37hrs (depending on legacy force) = 'Y'

'Y' multiplied 'Z' (proposed new hours) = new annual salary

When will my salary, benefits and allowances change?

We will apply the changes to your salary, benefits and allowances from the date your new working arrangements start. Depending on the amount of notice we can give to payroll there are times when you may not see the changes in your pay straight away. Any corrections will normally be applied to your next pay.

What affect will working flexibly have on my pension?

Unfortunately we cannot tell you how a flexible working arrangement might affect your pension. You should seek independent advice or speak to your pension provider for details about how your request might affect your benefits at retirement.

Can I go back to a previous working arrangement at a later date? (Authority/Staff)

No, generally speaking you have no right to return to previous contractual rights unless you are an Officer or you have agreed a short term flexible working arrangement with your management. A flexible working agreement is normally a permanent contractual change. However, you can make an application and it may be considered.

Can I go back to a previous working arrangement at a later date? (Officer)

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Yes, you can return to full time hours within one month of requesting to do so where we have a vacancy or within three months in line with the Police Regulations.

If my request is part of a reasonable adjustment do I have to fill in the Flexible Working request form?

Changes that are likely to become a permanent feature of our support to you have to be commented on from an organisational perspective. Completing the Flexible Working form allows your manager to have all the information necessary to complete the Reasonable Adjustment Decision Making form 060-001.

Your manager can make short-term changes to support you with a disability without consulting Resource Deployment for up to 12 weeks but if the change is to become more permanent, filling in the form at the beginning saves you having to do it at a later date.

Will Brexit have any impact on flexible working in the future?

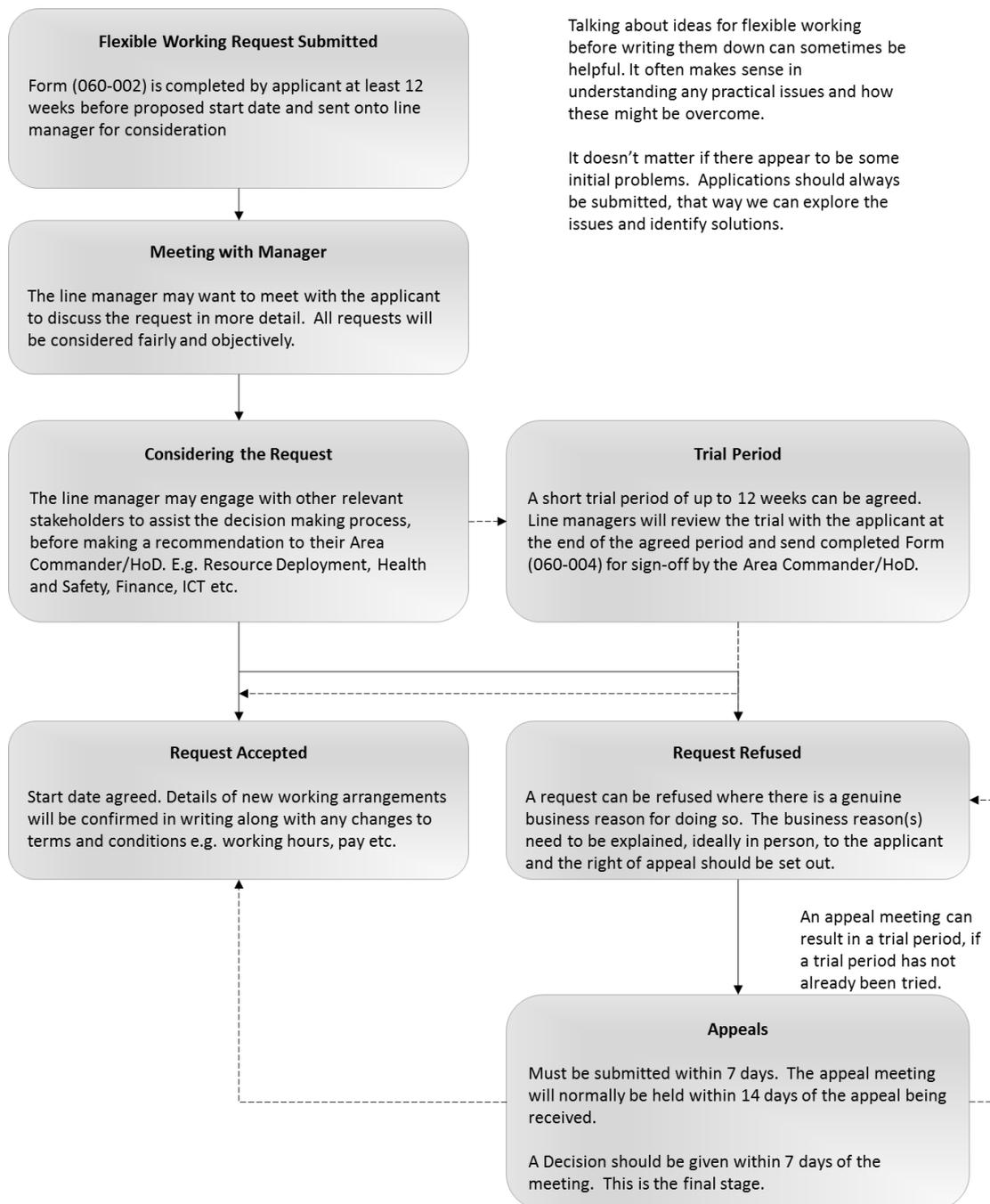
The majority of family-friendly rights including the right to request flexible working originate in the UK, so it is unlikely that these will be changed because of Brexit.

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Appendix E

Process Map



Talking about ideas for flexible working before writing them down can sometimes be helpful. It often makes sense in understanding any practical issues and how these might be overcome.

It doesn't matter if there appear to be some initial problems. Applications should always be submitted, that way we can explore the issues and identify solutions.